

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) 3:17-CR-00169-B
)
SAID AZZAM MOHAMAD RAHIM,)
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS
PRETRIAL CONFERENCE
BEFORE THE HONORABLE JANE J. BOYLE
UNITED STATES DISTRICT JUDGE
APRIL 26, 2019

A P P E A R A N C E S

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proceedings reported by mechanical stenography,
transcript produced by computer.

SHAWNIE ARCHULETA, CSR/CRR
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1 (In open court at 9:55 a.m.)

2 THE COURT: Good morning. Let me just get
3 this stuff out here.

4 This is Case Number 3:17-CR-169, United
5 States v. Rahim. We are here for the pretrial
6 conference. The trial is going on Monday.

7 For the government, who do I have?

8 MS. MARTIN: Yes, Your Honor. Errin
9 Martin, Taryn Meeks and Brian Portugal for the
10 government.

11 MR. WHALEN: James Whalen and Ryne Sandel
12 for the defendant, Your Honor.

13 THE COURT: Are you going to speak
14 first Ms. --

15 MS. MARTIN: Yes, Errin Martin.

16 THE COURT: Yes. Ms. Martin, come up
17 here.

18 Do you have anything you want to say
19 about -- we will go through each of the motions, but
20 I wanted to see if you had anything up front to say?

21 MS. MARTIN: I don't know if the Court
22 wanted to start with some of the housekeeping
23 questions or wait until the end.

24 THE COURT: Just ask some of them, and I
25 will tell you if we will wait until the end.

1 MS. MARTIN: Your Honor, one of the things
2 we anticipate happening at trial is there -- I mean
3 the Court has probably seen that most of the
4 evidence are audio recordings and transcripts of
5 those. Those audio recordings are in Arabic.

6 THE COURT: Are in Arabic? All right.

7 MS. MARTIN: Yes, ma'am.

8 The government plans to play several of
9 those audio recordings in order to do voice
10 identification with the linguist; however, we would
11 propose not to play every single Arabic audio
12 recording because, in fact, the transcripts are the
13 evidence when it's in a foreign language. So we
14 wanted to flag that for the Court.

15 THE COURT: Okay. Mr. Whalen, anything
16 you wanted to say about that? Any particular
17 objections you make to that? Do you agree with her
18 that the transcripts are the evidence because it's
19 in a foreign language?

20 MR. WHALEN: Yeah, I should probably --
21 yes, I would probably be okay with that as long as
22 the linguist can lay all the predicate, that they
23 have read them and that's the accurate translation.
24 I would probably be okay with that from that
25 standpoint.

1 THE COURT: Okay. What else?

2 MS. MARTIN: Your Honor, along this --

3 THE COURT: And I'm not sure if I'm okay
4 with it, but just go ahead.

5 MS. MARTIN: Your Honor, along those
6 lines, the government in this case has the audio and
7 then transcript books or binders for the jury. But
8 when the linguist is testifying, the government
9 intends to play five or six that have the transcript
10 synced with the audio just so the linguist can walk
11 through how she has listened to all of them and
12 matched them up with the voice of the defendant.

13 Additionally, intent -- you know, we
14 anticipate one of the defenses is going to be, "I
15 said it, but I didn't mean anything." So I think
16 hearing the voice with the words when it's in a
17 foreign language will be important. So the
18 government would ask permission for just those six
19 to run the synced transcript with the audio.

20 THE COURT: Okay. Mr. Whalen? You can
21 think about this for a while. But do you have
22 anything to say up front?

23 MR. WHALEN: No, not up front. The only
24 thing that I will say that I'm just thinking -- so
25 I'll say it because I'll forget -- is the statement

1 about the linguist identifying Mr. Rahim, that she
2 identified his voice. I guess the question would
3 become -- you know, as long as the predicate is
4 laid, how she identified his voice and is familiar
5 with his voice, then I think that probably would be
6 okay. But I will let the Court --

7 THE COURT: Yeah, but I mean, she's got to
8 say it's him somehow. And you know that,
9 Ms. Martin, right?

10 MS. MARTIN: Yes, Your Honor.

11 THE COURT: All right. What else?

12 MS. MARTIN: And then just timing on -- we
13 were going to ask the Court about amount of time for
14 voir dire, amount of time for opening statements.

15 THE COURT: Okay. I'll talk about that
16 later.

17 What else?

18 MS. MARTIN: I think that's it for now,
19 Your Honor.

20 THE COURT: Mr. Whalen, come on up.

21 MR. WHALEN: The only thing I would have
22 preliminarily as far as Mr. Rahim goes today is,
23 he's in leg irons and handcuffs. Is that going to
24 be the protocol for the trial and at least for the
25 purposes of this hearing, that he not be handcuffed

1 so he can take notes and participate in his trial?
2 But as far as the leg irons, I need to know what the
3 protocol is going to be for that.

4 THE COURT: Okay. Okay. The Marshals --
5 can you tell us what you think the protocol should
6 be?

7 THE MARSHAL: Yes, ma'am. As far as
8 however you want it to be. If you want to put leg
9 irons or not, I will defer to the Court.

10 THE COURT: I don't think I want the leg
11 irons, and I don't think I want the handcuffs. But
12 if anything goes wrong, then, you know, he's going
13 to be hooked up again. Again, you know, we have to
14 do whatever we can to make sure the jury doesn't
15 know that he's in custody. So he's going to have
16 clothes up there?

17 MR. WHALEN: Yes, we will have clothes on
18 Monday morning.

19 THE COURT: All right. Let me just think
20 about the leg irons. The hands will be free. All
21 right. The leg irons may be on. All right. I just
22 have to think about that. All right.

23 MR. WHALEN: And then, if you decide about
24 the leg irons, I know in the past in the previous
25 trial, they used more of a seatbelt material so you

1 didn't hear the sound and the noise of the chains if
2 he was moving around. So we want to make sure
3 there's an accommodation for that as well, so. . .

4 THE COURT: Okay. I'm asking the Marshals
5 about this. I realize we're catching the Marshal
6 somewhat offguard. But, you know, can you fix the
7 leg irons so they are like Mr. Whalen said and you
8 can't hear them?

9 THE MARSHAL: Yes, ma'am.

10 THE COURT: We will make sure it's okay
11 before the jury comes out. All right?

12 MR. WHALEN: Okay. I don't think I have
13 anything else off the top of my head other than what
14 we will talk about throughout the day.

15 THE COURT: All right. Let's go through
16 the motions. I'm going to start with the
17 government's motions, and let me just pull those.

18 All right. Government's motions in
19 limine. That's Document 111.

20 Does everyone have that? Ms. Martin?

21 MS. MARTIN: Yes, Your Honor.

22 THE COURT: Mr. Whalen?

23 MR. WHALEN: Your Honor, I'm seeing 96.1.
24 But is the subsequent filing --

25 THE COURT: Government's Motion in Limine

1 111. I have an extra one.

2 MR. WHALEN: Okay. If you do -- I think
3 it's the same.

4 MS. MARTIN: Your Honor, I think the one
5 you are talking about is the motion to seal that had
6 it behind it.

7 THE COURT: Oh, do you have it behind it?

8 MR. WHALEN: Right, I have 96.1, which is
9 behind their motion --

10 THE COURT: Yes. Okay. Okay. You have
11 it.

12 All right. Let's start. Ms. Martin, come
13 on up.

14 MS. MEEKS: Hi. Good morning, Your Honor.

15 THE COURT: I'm sorry you are Ms.?

16 MS. MEEKS: Ms. Meeks, Your Honor.

17 THE COURT: Meeks. All right.

18 MS. MEEKS: If it pleases the Court, I
19 will be handling the first two portions of the
20 government's motion in limine.

21 With regard to the first motion in limine,
22 as far as the interview technique of deception, the
23 government primarily rests on its motion; however,
24 just notes to the Court that it is a common tactic
25 for law enforcement to use what is commonly called

1 deception techniques or techniques that are in --
2 some questions that are in some way misleading and
3 that the analysis really should be on whether the
4 questions overwore the will of the defendant.

5 At this point, the Court has already ruled
6 on the admissibility of the statements. Therefore,
7 the government's motion in limine would preclude or
8 request to preclude the defense from making
9 arguments in closing or statements in opening or
10 cross-examining on the validity of the deception
11 technique.

12 THE COURT: Right. But what is to stop
13 them from asking about it?

14 MS. MEEKS: Your Honor, I think that it
15 would be fair for the defense to ask whether or not
16 those questions were truthful, but I don't think,
17 Your Honor, it would be fair for defense then to act
18 in a manner or suggest with questionings or argument
19 that it was --

20 THE COURT: I agree.

21 MS. MEEKS: Okay.

22 THE COURT: Let me hear from Mr. Whalen,
23 though.

24 MR. WHALEN: Your Honor, we're not going
25 to suggest that his statements are involuntary or

1 inadmissible or anything like that, because you have
2 ruled on that. But I do think it's fair game to be
3 able to talk about their investigative techniques
4 and however the jury wants to weigh that.

5 THE COURT: I think so, too. I think the
6 investigative techniques are fair game. To the
7 extent you try to argue that it's unfair and
8 voluntary, I'll stop you. But the motion in limine
9 is granted in part and denied in part.

10 All right. Ms. Meeks, what's the next
11 one?

12 MS. MEEKS: Thank you, Your Honor.

13 The government also has reason to believe
14 that the defense will try to explore the use of FISA
15 at trial. The Court has likewise ruled on the
16 constitutionality and the legality of the
17 collection. So the government's requesting in this
18 case that the Court preclude the defense counsel
19 from further exploration of the use of FISA in this
20 case.

21 THE COURT: In any sense, any sense at
22 all.

23 MS. MARTIN: Your Honor, I think that it
24 would be permissible for the defense -- because
25 there is a public filing that there has been

1 affirmative use of FISA collection -- to note that.

2 However, what the government is concerned
3 with is twofold: The inadvertent disclosure or
4 exploration of what is still classified information,
5 which would be impermissible pursuant to CIPA 5, and
6 then there is a CIPA 8 objection as well, but also
7 about making this sort of a public referendum on the
8 fairness of FISA. And the government is cautious
9 and hopes the Court will also be cautious of
10 allowing this to become a sort of sideshow where we
11 are asking the jury to make determinations on
12 whether the government should, when this is a legal
13 technique.

14 THE COURT: Okay. Thank you.

15 Come on up, Mr. Whalen.

16 MR. WHALEN: Your Honor, I think as far as
17 getting into it to disclose any type of classified
18 information, I wouldn't know what to ask, because I
19 don't know what it is. So I don't think we get down
20 that road.

21 I do think -- I don't think it's going to
22 become a referendum on investigative techniques, but
23 I do think it could be a potential fair argument.
24 Because the government would get to argue in closing
25 argument about a plea to law enforcement and safety

1 and security, and I think I get to be able to
2 respond to that in some way, shape or form.

3 THE COURT: In what way? Give me an idea.

4 MR. WHALEN: Well, I think I get to
5 comment on what weight they should give all that. I
6 think it kind of goes to the nature of the
7 investigation, the amount of the investigation that
8 got done, and what weight they should put into that.
9 I don't necessarily think I'm going to be critical
10 of what FISA is, because that is an argument for a
11 different day. But I do think I get to comment on
12 the different techniques they used and to what
13 extent the jury can weigh that.

14 THE COURT: Ms. Meeks, what do you say?

15 MS. MEEKS: Thank you, Your Honor.

16 With regard to the techniques that are
17 used, that borders very closely to how FISA is
18 collected, and that information is still classified.
19 So while the government concedes that the defense
20 could very generally refer to the fact that there
21 was FISA in this case, I think that it would be
22 inappropriate and embordering into classified
23 territory to go any further.

24 THE COURT: I'm going to grant the motion
25 in limine except for very narrowly mentioning FISA.

1 And if you think you need to get more into the
2 techniques, we can do that at the time, but I'm
3 going to grant the motion in limine right now.

4 Okay. What else is there?

5 MS. MARTIN: Your Honor.

6 THE COURT: Come on up, Ms. Martin.

7 MS. MARTIN: Your Honor, with respect to
8 Government's Motion in Limine Number 3, the
9 invocation of the First Amendment and freedom of
10 speech. While we believe it's appropriate to -- for
11 the defendant to argue speech with respect to
12 intent, "I was just talking, this isn't a criminal
13 act," we believe that's appropriate. But any kind
14 of invocation of wrapping themselves in the First
15 Amendment or -- you know, "If they're going to do
16 this to him, you're next." Or any kind of argument
17 or inference that they infringed on his First
18 Amendment rights or that the government has
19 infringed on his First Amendment rights is
20 inappropriate. The Supreme Court has held that
21 2339B does not infringe on a defendant's First
22 Amendment rights, so any argument --

23 THE COURT: It can. It actually can. So
24 there are times when it can, right? I mean, I read
25 that in the cases.

1 MS. MARTIN: Well, Your Honor, I believe
2 that it could. But any call to the jury that the
3 government's overreach, you know, like, "They're
4 next," you know, "What you're saying on line now,
5 you're fair game," when actually he's charged with
6 material support to terrorism. He can't recruit, he
7 can't use his words to recruit, and that's what he's
8 charged with.

9 THE COURT: Right. So that's not First
10 Amendment.

11 MS. MARTIN: Correct. So any argument
12 that this is the government's overreach and that the
13 First Amendment is what's really the issue would be
14 distracting for the jury because it's not truly the
15 issues in this trial. It is whether what he said
16 was recruitment.

17 THE COURT: Mr. Whalen.

18 MR. WHALEN: The way I read the cases that
19 have addressed the issue, the cases, if I recall
20 them correctly, dealt with a motion to find the
21 statute unconstitutional. And I think what the
22 cases said, is, no, this is a reasonable imposition
23 on a restriction based on the statute. However, I
24 do think it's important, because in the statute
25 in --

1 THE COURT: It specifically says.

2 MR. WHALEN: It specifically says it's not
3 going to abridge the exercise of rights guaranteed
4 under the First Amendment. So I think it is fair
5 game for a jury to decide, hey, we don't think these
6 statements gave rise to material support, it was him
7 exercising his right to free speech. I think that's
8 a fact issue the jury gets to decide.

9 THE COURT: I think it is, too. And I
10 will not let you go too far with it, but I think the
11 free speech issue is fair game to a certain extent.
12 I don't know how far it is, but I think I will allow
13 you to do that to a certain extent. So I'm denying
14 the motion on that.

15 What's the next motion?

16 MS. MARTIN: Your Honor, Government's
17 Motion in Limine Number 4 is agreed to by the
18 defendant, and it deals with any comments on
19 punishment or the length of time in prison the
20 defendant would be facing if convicted in this case.

21 THE COURT: Okay. Agree to. Thank you.

22 And that -- let's see. Do I have any
23 other motions in limine from you?

24 MS. MARTIN: No, Your Honor.

25 THE COURT: Okay. Let me go through the

1 defense motions in limine, then.

2 Mr. Whalen, come on up.

3 I have -- we have to talk about the prayer
4 thing, but let's do your motion and supplemental
5 motion in limine.

6 MR. WHALEN: Okay.

7 THE COURT: What's your first motion?

8 MR. WHALEN: Sure. Your Honor, just for
9 the record, I'm referring to Document 87.

10 The first one is regarding 404(b), motion
11 in limine as it relates to any 404(b) evidence. The
12 government has filed a notice of 404(b), and we
13 would simply request that there be a hearing on
14 those issues prior to any reference to them or
15 admissibility in front of the jury.

16 THE COURT: Okay. That's a pretty broad
17 request, because there are all sorts of things that
18 can be considered 404(b) in this case.

19 Let me hear from Ms. Martin.

20 MS. MARTIN: Yes, Your Honor. With
21 respect to the notice 404(b), on the first intent,
22 the -- or the first portion, which discusses the
23 defendant making statements that he was a member of
24 Hamas. And those happened -- there is an error in
25 the notice. It should be 2015, December 30th, 2015.

1 Those are recorded. That's audio recordings where
2 he's stating it. It's during the course of the
3 conspiracy and relevant to the charges.

4 These statements are probative of his
5 knowledge -- one of the things the government has to
6 prove is the defendant knew that it was a designated
7 foreign terrorist organization or that ISIS engaged
8 in terrorism. His statement that he used to be
9 Hamas go directly to the element of the defense.

10 Additionally, he has a leadership role in
11 this channel with thousands and thousands of members
12 across the nation. And this is his bona fides to
13 the other coconspirators and to the individuals he's
14 trying to recruit to join ISIS and to commit jihad
15 for ISIS.

16 THE COURT: It's a 2015 recording?

17 MS. MARTIN: Yes, Your Honor.

18 THE COURT: Okay. Okay. Mr. Whalen.

19 MR. WHALEN: Your Honor, as it relates to
20 him, whether or not he was a member of Hamas or
21 supporting Hamas, I think that is more prejudicial
22 than it is probative. I don't think it is intrinsic
23 to the conspiracy. That's a separate issue, and so
24 I don't think it is part and parcel. And I also
25 think that the necessity of it is not -- based on

1 the recordings that they intend to present, there is
2 no necessity for them to provide that.

3 THE COURT: Okay. I'm going to deny the
4 motion as to this one and the 2015 recordings. I
5 think they are relevant, because they are intrinsic
6 evidence of his intent and knowledge and everything
7 he was going after. And also that goes -- 404(b),
8 they go to motivation and intent. I deny the
9 request as to that.

10 MS. MARTIN are there others?

11 MS. MARTIN: Yes, Your Honor, we believe
12 the remainder of the motion is truly 404(b) and not
13 intrinsic. But we believe that any suggestion that
14 it was just talk, he didn't really mean it when he
15 tells people to run over individuals in trucks, he
16 made a statement in 2007 to a border patrol official
17 that he had run over someone on a bicycle and that
18 his family paid \$30,000 to get him out of it. He
19 also made statements about getting caught with an
20 illegal weapon in Chicago. And we believe this also
21 goes to whether or not he could -- had the means and
22 the intent to commit the crimes that he's charged
23 with, recruiting to commit.

24 THE COURT: I don't need to hear from you
25 on that. I'm going to grant the motion as to those

1 two. Those are extraneous. And not only that, they
2 have nothing to do with terrorism. You may argue
3 that they do, but they really don't. You can say
4 that they do, but I don't see them. And I am going
5 to deny that request, grant the motion as to those
6 and just see where we go with that.

7 What else did you have, Ms. Martin?

8 MS. MARTIN: Those are the only matters
9 that we filed a 404(b) notice on.

10 THE COURT: Okay. Let's see.

11 Mr. Whalen, come on up.

12 What else did you have?

13 MR. WHALEN: Your Honor, in Document 87,
14 Number 2, there has been a notice of expert
15 witnesses. And basically what we are asking in that
16 motion in limine is that the witnesses be confined
17 to what is -- what was listed in the notice and that
18 they not be allowed to go past anything else than
19 what's been listed in the notice and that's
20 intricate.

21 THE COURT: Okay. Ms. Martin.

22 MS. MARTIN: Your Honor, Ms. Meeks is
23 going to address this one.

24 THE COURT: Okay. Ms. Meeks.

25 MS. MEEKS: Your Honor, the government did

1 file an initial notice to comply with the notice of
2 experts. The government also filed an amended
3 government notice as well. And attached to that was
4 a lengthy summary of what the expert witnesses,
5 particularly Dr. Vidino, would be talking about. It
6 goes something along five pages of all the subject
7 matter that Dr. Vidino would likely enter into. We
8 feel that that complies. It was filed on
9 April 15th as the amended notice, and we feel that
10 that complies with the notice requested by the
11 defense in this case and should satisfy their
12 request.

13 THE COURT: And they are not going --
14 Mr. Whalen, if they don't go beyond what they have
15 filed notice, an extended notice on, do you have any
16 objections, besides your typical objections?

17 MR. WHALEN: No objection. And I don't
18 know if we want to address this now, but I do think
19 we are requesting there be a 702 hearing as to
20 Dr. Vidino to see whether or not he is qualified to
21 give these opinions and have that done outside the
22 presence of the jury.

23 THE COURT: Ms. Meeks.

24 MS. MEEKS: Well, the government would
25 cite that it's not necessary. Dr. Vidino has

1 testified in numerous district courts around the
2 country on this exact subject matter on terrorism
3 and how it relates to ISIS specifically. He runs
4 two international programs, one from George
5 Washington and one out of Italy. He has an
6 extensive CV and education and experience. So
7 having already qualified as an expert witness in --
8 I want to say, Your Honor, in five different trials,
9 it seems unnecessary to qualify him here.

10 THE COURT: You know, I don't see any harm
11 in it because this is new to me and really new to
12 all of us, except maybe you. But I would like to
13 hear summarily what he's going to say ahead of time
14 just to get the idea that it is okay for the jury to
15 hear that. I'm not used to having experts testify
16 in criminal cases. I know they do quite a bit in
17 terrorism cases.

18 So I'm going to grant that request that
19 there be a hearing, a short hearing. And otherwise
20 Ms. -- what Ms. Meeks has said about your
21 disclosure, Mr. Whalen is okay with that, so I will
22 deny the request to the extent they have given the
23 full disclosures. But I will grant the request to
24 the extent that we're going to have a hearing.

25 MS. MEEKS: Yes, Your Honor.

1 THE COURT: Number 3.

2 MR. WHALEN: Your Honor, Number 3 relates
3 to there's some -- in the discovery, some offense
4 reports from Dallas PD that we saw that dealt with
5 or some suggestion that Mr. Rahim possessed or sold
6 firearms or ammunition or other type of illegal
7 weapons of some kind, and so we are objecting there
8 not be any reference to that.

9 THE COURT: Ms. Meeks.

10 MS. MEEKS: Your Honor, the government has
11 no intention to go into the disposition of whether
12 the firearms were lawful or unlawful. However, the
13 government does have video from a pole camera
14 footage of the defendant holding a handgun outside
15 of his place of business and walking around with
16 that in plain sight.

17 And due to the nature of the charges in
18 which the defendant has repeatedly called for
19 various violent actions on behalf of ISIS, to
20 include shootings and to include specifically how
21 easy it is to get a weapon in America, how everyone
22 is armed and that's why it's easy to commit attacks
23 here, the government finds that it's relevant.

24 THE COURT: When was that?

25 MS. MEEKS: That exact statement?

1 I don't have the exact date, but it was
2 within the scope of the conspiracy and the
3 investigation.

4 THE COURT: Mr. Whalen.

5 MR. WHALEN: Your Honor, my view of that
6 would be that it's 404(b). And I think it's
7 somewhat of a stretch to say that because you can
8 legally possess firearms in the United States, that
9 that therefore leads to some propensity to commit a
10 terrorist act.

11 THE COURT: I grant the motion on that.
12 Okay. That doesn't mean it doesn't come in, but it
13 doesn't come in without approaching the bench and
14 all of that.

15 Four.

16 MR. WHALEN: Number 4. There's some
17 suggestion that he drove a vehicle that was
18 previously owned by law enforcement, and he got
19 pulled over and they made some suggestion that he
20 might have been impersonating a law enforcement
21 officer. It still had the equipment on it but none
22 of it worked, and it came back as he bought it at an
23 auction or something like that.

24 THE COURT: Ms. Martin.

25 MS. MARTIN: No objection, Your Honor.

1 THE COURT: Okay. Grant on that.

2 Let's see. Number 5. I think this is
3 important.

4 MR. WHALEN: Yes. Number 5, as it relates
5 to referring to other type of terrorist attacks, I
6 will agree that in the course of the alleged
7 conspiracy, there is the Nice attack and it's in the
8 questionnaire, as well as the Pulse Nightclub attack
9 that's referenced as well as the nightclub attack in
10 Turkey. But I think to then refer to other types of
11 terrorist attacks not within the scope --

12 THE COURT: Like the recent one.

13 MR. WHALEN: Like the recent one,
14 nine-eleven, those things, I think those terrorist
15 attacks would not be relevant to the scope of the
16 indictment, Your Honor.

17 THE COURT: Ms. Meeks.

18 MS. MEEKS: Your Honor, the government
19 will go ahead and concede that we do not intend to
20 go into the Sri Lanka attack, just to make that
21 clear before the Court. But with regard to other
22 terror attacks or other foreign terrorist
23 organizations, they are very relevant; they are
24 intrinsic to the charges before the Court.

25 THE COURT: You have Nice. You have the

1 Pulse Nightclub. You have Turkey. What else do you
2 have?

3 MS. MEEKS: Well, the defendant speaks at
4 length as part of his recruitment effort and as part
5 of the charges about the Istanbul attack, the Reina
6 Nightclub attack. In Nice, the Nice attack. The
7 Orlando attack. About an attack in Minneapolis. He
8 also talks about the assassination of a Russian
9 diplomat. And he talks about other foreign
10 terrorist organizations, and how he arrived to be a
11 member of ISIS was part and parcel with how he
12 rejected the other tenets of the other
13 organizations.

14 THE COURT: It's fine, and he talked about
15 it. But besides him talking about it, are you
16 going -- you know, are we going to have all sorts of
17 explosion testimony about various terrorist attacks
18 that he's not tied to at all is what I am asking.

19 MS. MEEKS: Your Honor, so our expert will
20 talk about those attacks and --

21 THE COURT: Which attacks will he talk
22 about?

23 MS. MEEKS: Again, about the Istanbul
24 Reina Nightclub attack, the Nice Promenade attack
25 and the Orlando attack and the Minneapolis Mall

1 attack, for which reasons are specific in that the
2 defendant not only praised these attacks, and it
3 goes to also --

4 THE COURT: All four of them he praised?

5 MS. MEEKS: Yes, Your Honor. And that
6 also goes to the 1001 false statement charges that
7 we have where he denied making any kind of praise or
8 promotion of terrorist attacks; not only to the
9 2339B's, but also the 1001s.

10 THE COURT: Yes, he did talk about all
11 those, and I'm going to let you get that in. But
12 are you going after other things that are not
13 something he talked about?

14 MS. MEEKS: No, Your Honor. And only just
15 to respond to the nine-eleven. So there will be --
16 in the history of the creation of ISIS, it has gone
17 through a metamorphosis to date back to nine-eleven.
18 So I do think it would be appropriate for the expert
19 in this case to give a very brief overview of how it
20 came to be in this --

21 THE COURT: But it's not like he's going
22 to say that Mr. Rahim was somehow responsible for
23 nine-eleven.

24 MS. MEEKS: No, Your Honor.

25 THE COURT: Okay. Mr. Whalen.

1 MR. WHALEN: I think that's reasonable. I
2 mean, if he mentioned it or talked about and it does
3 go to the 1001, so I do think that is fair game, my
4 biggest concern is what the Court had, that we're
5 going to talk about a whole bunch of things that
6 would be more prejudicial.

7 THE COURT: And they don't sound like they
8 are going to.

9 MR. WHALEN: Right. And I think based on
10 that representation that would satisfy our concern.

11 THE COURT: You've got referring to other
12 terrorist organizations other than ISIS.

13 Tell me about that.

14 MR. WHALEN: Your Honor, this relates to
15 his support of ISIS. I think to then discuss any
16 other type of terrorist organizations, whether it's
17 Al Qaeda and Hamas and other types of terrorist
18 organizations that he's not charged with supporting
19 or advocating for, then I think it would be improper
20 to do that, because then I think it's simply to
21 prejudice the jury. So it's more prejudicial than
22 it is probative, Your Honor.

23 THE COURT: Okay. Ms. Meeks.

24 MS. MEEKS: Your Honor, some of the
25 discussion of other foreign terrorist organizations

1 goes directly to how the creation of ISIS exists.

2 So that would be background information only.

3 THE COURT: But again, you are not tying
4 him to those.

5 MS. MEEKS: Correct. However, Your Honor,
6 the defendant does mention them. I think it is
7 intrinsic to the charge here about how he has viewed
8 and rejected other FTOs.

9 THE COURT: If he's talked about it, it's
10 fine. It comes in. I mean to a certain extent.

11 MS. MEEKS: Yes, Your Honor.

12 THE COURT: But you're not going to talk
13 about, well, the FTO Hamas and this other FTO were
14 blowing things up and that type of stuff. I mean,
15 you're not going to go into that, are you?

16 MS. MEEKS: No. Only in the sense that he
17 had seen the way that that existed, the way that it
18 was run as an organization and rejected it for
19 something else, and that would be ISIS.

20 THE COURT: Okay. So give me an idea of
21 what are you going to put on in this regard.

22 MS. MEEKS: Well, I think, Your Honor --
23 so the expert can talk a little bit about Hamas, not
24 in depth, but just enough to do the wave caps about
25 how it is both -- it tries to act as a legitimate

1 organization and as a terrorist organization and how
2 that kind of operation was not radical enough for
3 the defendant.

4 THE COURT: Okay. Anything else? Any
5 other foreign terrorist organizations?

6 MS. MEEKS: One moment.

7 Your Honor, I would also refer to the
8 Court what is going to be Government's Exhibit 53,
9 which is the CFR establishing ISIS as a foreign
10 terrorist organization. And in that it lists quite
11 a lot of foreign terrorist organizations that was
12 formerly known as.

13 THE COURT: Mr. Whalen.

14 MR. WHALEN: I don't have any objection to
15 the CFR. I know it went through a bunch of
16 different iterations and it was called different
17 things, but we all know it to be ISIS.

18 THE COURT: Okay. From what I have just
19 heard, I'm going to deny the motion in limine,
20 because it sounds like you are not going to get into
21 a bunch of stuff that he didn't either say or the
22 expert is going to give his background.

23 MS. MEEKS: Correct, Your Honor.

24 THE COURT: Okay. 7 is any and all
25 coconspirator statements, 7.

1 MR. WHALEN: Your Honor, obviously one of
2 the counts is conspiracy to provide material support
3 unless and until -- we're not asking for a separate
4 James hearing. I know the case law says you can
5 make that determination during the course of the
6 trial. But I do think there has to be some finding
7 at some point for the Court to make that I do find
8 that there was a conspiracy and that these
9 statements now become admissible as coconspirator
10 statements or offered conditionally until the Court
11 makes that finding; something of that nature, that
12 they not be allowed to discuss what other alleged
13 coconspirators said until you make the finding that
14 there was, in fact, a conspiracy.

15 THE COURT: Okay. Ms. Martin.

16 MS. MARTIN: Yes, Your Honor.

17 In this case, the circumstances of the
18 defendant's recruitment is some evidence of a
19 conspiracy. It was a global social media platform
20 that he was one of the leaders of with 10,000
21 members, the name of which was the State of the
22 Islamic Caliphate. But most of the evidence of the
23 conspiracy are the defendant's acts and statements
24 that are in conjunction with him. His own
25 statements will establish the conspiracy, I believe,

1 but we intend to offer coconspirator statements.
2 But I think the Court will be satisfied before those
3 are offered from the defendant's own statements and
4 the fact that he's running a channel of 10,000
5 members calling for jihad.

6 THE COURT: Okay. Assuming we're talking
7 about everybody agrees that you can offer it
8 conditionally and then connect it up and I will make
9 a finding of a conspiracy, I'm going to -- Number 7,
10 I will grant.

11 All right. Number 8.

12 MR. WHALEN: Number 8 is simply there
13 obviously not be on either side any reference to
14 that there was pretrial motions and rulings thereof.
15 So that's all Number 8 is.

16 THE COURT: Granted.

17 Okay. You have a supplemental motion in
18 limine. Go ahead.

19 MR. WHALEN: Your Honor, just for the
20 record, that's Document 106. There's really just
21 two issues in that one as it relates to any
22 reference to the Sri Lanka incident that occurred on
23 April 20th.

24 THE COURT: And they agreed to that.

25 MR. WHALEN: They agreed to that.

1 And the last thing is there are
2 discussions about people being tortured, beheaded,
3 burned, I know. And the reason why I mention this,
4 I think in Dr. Vidino's previously testimony he
5 talked about this, I believe that's where I read it.
6 So unless there's something tying Mr. Rahim to any
7 type of torture or beheadings or those types of
8 issues, there not be discussion or any evidence
9 supporting that.

10 THE COURT: Ms. Martin. Ms. Meeks.

11 MS. MEEKS: Thank you, Your Honor.

12 The government would note that the
13 defendant, himself, directly refers to some of these
14 acts and that they are very -- they are very closely
15 held to what makes a terrorist organization a
16 terrorist organization. The government doesn't
17 intend to get into graphic and gruesome details of
18 any on particular act, but I think it is certainly
19 fair in the description of how a terrorist
20 organization operates, especially one such as ISIS,
21 which operates through fear in part, that these are
22 legitimate methods of control and implementation of
23 Shari'a law.

24 THE COURT: But the question is, are you
25 going to offer this unrelated to him and what he's

1 had to say, or is it going to be directly related to
2 what he's had to say?

3 MS. MEEKS: I think, Your Honor, it will
4 be directly related. But also I think that the
5 government is looking for a little latitude for
6 allowing the expert to talk about how ISIS executes
7 its mission, both universally and globally, and also
8 on the ground in its so-called Caliphate.

9 THE COURT: All right. That motion is
10 granted to the extent we're talking about things
11 unrelated to this defendant and denied with respect
12 to things related to this defendant. But I will
13 allow the expert some latitude on explaining ISIS.
14 Okay? Okay.

15 Does that take care of the motions in
16 limine?

17 MR. WHALEN: Yes, Your Honor.

18 THE COURT: Okay. Let's talk about the
19 prayer.

20 MR. WHALEN: Yes.

21 THE COURT: And that is Document 86.

22 MR. WHALEN: Your Honor, as relates to
23 that, I don't have anything additional to add. I
24 did try --

25 THE COURT: Do you have any authority?

1 What I was looking for was some authority that I
2 have to do this.

3 MR. WHALEN: No. And I was trying to find
4 some cases. And what I -- most of them dealt with
5 accommodations in the prison system and a test that
6 you have to do to determine that. I do think based
7 on the timing of when prayer must be conducted, I
8 think it will fit. So I guess what I would suggest
9 is, let's see how it goes and if it becomes an
10 issue, then I will readdress it. But I think based
11 on what I've learned and based on the time schedule,
12 I think the normal afternoon break will accommodate
13 it in some way, shape or form.

14 THE COURT: I am granting it in part and
15 denying it in part. Because if it interferes with
16 our trial schedule, he's not going to get to do it
17 unless you can bring me some authority that he's
18 allowed to do it. But it's granted to the extent
19 he's allowed to do it if it doesn't interfere.

20 MR. WHALEN: Fair enough.

21 THE COURT: And we talked about this, the
22 702 hearing, really briefly, Document 108.

23 MR. WHALEN: Yes, Your Honor. We do
24 believe a 702 hearing is necessary, which you said
25 you would grant. And I also think part of that 702

1 hearing is not only to qualify him as an expert, but
2 whether or not the opinion he's -- exactly what
3 opinion is he going to render, if any; and two,
4 whether that opinion is based in some type of
5 science or it's been tested in some way, shape or
6 form under Daubert and whether or not it's
7 reasonably acceptable and whether or not that would
8 invade the province of the jury as far as the
9 ultimate fact issue, Your Honor.

10 THE COURT: Okay. Anything else on this
11 Ms. Meeks or Ms. Martin?

12 MS. MEEKS: Your Honor, nothing to add.
13 Just I think the government would request if we're
14 going to have that hearing -- the expert doesn't
15 arrive until Sunday, so we would hold it potentially
16 Monday morning while the jury --

17 THE COURT: Yeah, it will be outside the
18 presence of the jury and it will be off hour. So
19 just remember that everything that you want to talk
20 to me about or anything is always during off hours.
21 It's before 9 and after 5 or like at the lunch hour,
22 between 1 and 1:30. I don't know when I'm going to
23 break for lunch, so don't count on it, but it will
24 be an hour and 15 minutes. Normally we will be
25 dealing with out-of-presence stuff after trial and

1 before trial.

2 MS. MEEKS: Yes, Your Honor.

3 THE COURT: Okay. I think we've covered
4 this, but the United States 404(b) notice and the
5 defendant's objections. So let me hear about the
6 404(b), just so we are clear. That's Document 101.

7 MS. MARTIN: Yes, Your Honor.

8 The government's 404(b), again, was with
9 respect to his statements that he was formerly
10 Hamas, and we believe that is intrinsic and goes to
11 an element of the crime. And I believe the Court
12 ruled on it, and we don't have anything additional.
13 And then the government also understands that the
14 latter part of that motion the Court has granted the
15 motion, and we will not go into it.

16 THE COURT: Mr. Whalen, anything else to
17 say about that?

18 MR. WHALEN: No, Your Honor.

19 THE COURT: Okay. Okay. Let me just
20 recap.

21 On the government's motion in limine, the
22 deception is denied. To the extent it doesn't go
23 overboard, it's allowed, the fact that the agents
24 deceived them.

25 Motion in Limine 2, preclude defense from

1 using FISA. I granted that, but, again, it's all
2 shaded because it depends on how far you go. I
3 mean, I've granted that to an extent and denied it
4 to an extent. You can get into some parts of FISA,
5 but not into the details of it and all of that such
6 that you are trying to argue that it's unfair that
7 we use FISA. So I will grant that and deny that.

8 Free speech is denied as long as you don't
9 get into -- you know, beyond what you -- what you
10 can under the statute, that is denied. And the
11 punishment is agreed to.

12 Document 87 is Rahim's motion. And I --
13 okay. Evidence of prior bad acts, criminal offenses
14 and other arrests of misconduct, which defendant has
15 not been charged. I grant that to a certain extent
16 and deny it to a certain extent. Ms. Martin says
17 she has audio recordings that have him talking about
18 a lot of stuff, and that's okay. But other 404(b)
19 evidence is off limits other than the recording.
20 Right?

21 MS. MARTIN: Yes, Your Honor.

22 THE COURT: Okay. Rule 16 -- yeah, that
23 is granted, because we're talking about expert
24 testimony and the -- we're going to have an
25 out-of-presence hearing, and we're going to see what

1 the expert is going to talk about. So I granted
2 that request but -- yeah. We're going to have an
3 out-of-presence hearing, but I granted the request
4 and denied it. It depends on what he's going to
5 say.

6 Number 3, expert witness. Possessed or
7 sold firearms, ammunition. I think I granted that,
8 right?

9 MS. MARTIN: Yes.

10 MR. WHALEN: Yes, Your Honor.

11 THE COURT: Operated or owned a vehicle,
12 granted.

13 Referring to terrorist organizations,
14 granted in part and denied in part. And that is you
15 can talk about Nice, Pulse, Turkey, Minnesota,
16 because he talked about them. But anything outside
17 of what he talked about we can approach the bench,
18 and nine-eleven can be brought in with the expert
19 with background.

20 Six, I think ISIS and Hamas are okay. Do
21 we have to grant it for anything else?

22 MS. MEEKS: Yes, Your Honor. Just to
23 clarify that we are also allowed to go into the fact
24 that Al Qaeda is the -- Al Qaeda and Iraq and all of
25 the other FTOs as it developed into ISIS through the

1 expert testimony to give background, Your Honor.

2 THE COURT: Mr. Whalen?

3 MR. WHALEN: That was your ruling, Your
4 Honor.

5 THE COURT: Okay.

6 MS. MEEKS: Thank you, Your Honor.

7 THE COURT: Granted, except for Hamas and
8 ISIS and a certain amount of nine-eleven and Al
9 Qaeda.

10 Coconspirator statements is granted, and 8
11 is granted. And then we have the supplemental,
12 which is granted to the extent I have granted those.
13 Granted Number 2. And Number 3 granted. Right?

14 MS. MARTIN: Yes, Your Honor. But I
15 believe the Court said that it would allow the
16 expert latitude in explaining how ISIS operates.

17 THE COURT: Okay.

18 MR. WHALEN: I agree with that, Your
19 Honor.

20 THE COURT: All right. And then the
21 prayer is granted in part, denied in part. We will
22 take that up as we see it. And the -- yeah, that's
23 all the motions in limine. Motion for prayer that I
24 have and the 404(b) motion we've talked about.

25 Is there anything else by way of motion

1 that we have to take up?

2 Ms. Martin?

3 MS. MARTIN: No, Your Honor.

4 MR. WHALEN: No, Your Honor.

5 THE COURT: Okay. Then let's talk about
6 housekeeping. I have your witness list, your
7 exhibit lists, right?

8 I have your jury instructions. We will be
9 working hard on those. Jury questionnaire. Here's
10 what we're going to do. I would like to have you
11 all here at 9:00 on Monday with the defendant here,
12 and I want to talk just about pretrial stuff. Make
13 sure you have -- we will talk about this in a
14 minute, but preadmitted exhibits and that type of
15 thing. And then you can go until you get your
16 questionnaires, and then you can do whatever you
17 want with them except you've got to give them back
18 to us at the end of the trial.

19 I want to have an extra copy of the
20 questionnaire, because I want the juror to have the
21 questionnaire when you ask them about it. It's no
22 good if they don't.

23 So Jenelle, will we have an extra copy for
24 the jurors?

25 THE CLERK: Yes.

1 THE COURT: How long do you want for jury
2 selection?

3 MS. MARTIN: We would request 30 minutes.

4 THE COURT: Just come up here.

5 MS. MARTIN: The government requests 30
6 minutes for voir dire.

7 THE COURT: Mr. Whalen?

8 MR. WHALEN: Your Honor, I know you're
9 going to raise your eyebrows. We would like an
10 hour, because I do think this is not the typical
11 case. This is not a drug conspiracy or anything
12 like that. I do think this is a very different type
13 of case that I think it needs the effort and time to
14 explore everybody's thoughts and feelings about this
15 topic. And I don't think we can adequately -- I
16 don't think I can adequately do that in 30 minutes.

17 THE COURT: How about 45 minutes. 45
18 minutes. That's as long as I've ever given lawyers
19 to do any case, plus you will have the
20 questionnaires.

21 And remember, you will be bringing certain
22 people up front. You know, I'll do my voir dire,
23 then you do your 45 minutes. And then we bring them
24 up, those that have problems, one by one, and you
25 can ask them more questions. And if you have anyone

1 in particular you want to ask a question that didn't
2 raise one, I will let you do that in this case
3 because you will have the questionnaires. All
4 right?

5 MR. WHALEN: Thank you, Your Honor.

6 THE COURT: How long for opening?

7 MS. MARTIN: 30 minutes for opening, Your
8 Honor.

9 MR. WHALEN: That's fine, Your Honor. I
10 don't think I would use 30, but 30 is fine.

11 THE COURT: Okay. How long is it going to
12 take to try this case?

13 Ms. Martin, if you will come up here,
14 please.

15 MS. MARTIN: Your Honor, the government
16 believes it could put on its case in a week, but I
17 think -- it depends on how long jury selection
18 takes. But I think four to five days the
19 government -- if we have that many full trial days,
20 I think the government could put that on.

21 THE COURT: I plan to have the jury seated
22 by Tuesday, no later than Tuesday.

23 MS. MARTIN: Yes, Your Honor. So I
24 believe unless there are hangups or delays that the
25 government could have it by the end of the day

1 Monday.

2 THE COURT: If we start the jury selection
3 Tuesday at 9:00, we should be able to have opening
4 statements at least Tuesday afternoon, if not the
5 first witness. So have your witnesses ready.

6 MS. MARTIN: Yes, Your Honor.

7 THE COURT: Mr. Whalen.

8 MR. WHALEN: I think that's reasonable of
9 how long the trial is going to take. And just so I
10 understand it, on Monday we'll give them the
11 questionnaires; we will wait until they complete
12 them; and then we will have Monday afternoon to
13 digest them; and then we will come back Tuesday
14 morning for voir dire.

15 THE COURT: 9:00. We want to take care of
16 all our pretrial matters Monday morning at nine.

17 MR. WHALEN: And the other question I do
18 have as far as jury selection, once we get the
19 questionnaires on Monday, whenever we get them,
20 where can we work so that Mr. Rahim can participate
21 in that process of being able to distill that
22 information?

23 THE COURT: Okay. Let's see. You can
24 work in our jury room. Is that all right with the
25 Marshals?

1 THE MARSHAL: That's fine, ma'am.

2 THE COURT: He will be bound and shackled
3 and all that.

4 MR. WHALEN: Okay. Thank you, Your Honor.

5 THE COURT: All right. Then we will have
6 the jury questionnaires Monday, and we will have the
7 jury selection Tuesday morning I hope. And by
8 Tuesday afternoon I hope we get openings and the
9 first witness on and then we proceed through the
10 trial.

11 We will go nine to five every day; 15
12 minutes in the morning, 15 minutes in the afternoon,
13 and an hour and 15 minutes for lunch. And there may
14 be days when I try to go a little bit later than
15 5:00. Okay?

16 You know I run a formal show in here, so I
17 want everybody to approach the witness. Have your
18 exhibits ready to go, have your witnesses ready to
19 go, and have your -- you know, everybody ready with
20 cross-examination, exhibits, direct examination
21 exhibits ready to go.

22 And to the extent you have anything in
23 particular that you think requires authority to get
24 in or keep out, have it with you. I mean, I know
25 there are a certain amount of exhibits, and I want

1 you to get together this weekend and try to agree on
2 preadmitted exhibits. There's no reason to have
3 those 902-1 exhibits because of predicate and all
4 that. I really think as far as business records and
5 those kinds of things I hope you can admit those.
6 It's up to you. I understand that, but at least
7 70 percent of the exhibits ought to be preadmitted.
8 But I will ask you Monday morning for your list of
9 their preadmitted exhibits and your list of their
10 preadmitted exhibits. So have those ready to go at
11 9:00 on Monday.

12 I've changed this over the years. I used
13 to just allow a direct, cross and a redirect, but I
14 do allow a little bit more back and forth now, but
15 not too much.

16 So how many witnesses do you have,
17 Ms. Martin?

18 MS. MARTIN: Your Honor, I believe we have
19 14, perhaps, on the list, but we don't anticipate
20 calling them all.

21 THE COURT: That's fine.

22 And Mr. Whalen?

23 MR. WHALEN: I don't anticipate much, Your
24 Honor.

25 THE COURT: Okay. All right. Let's see.

1 Closing, we will get the jury charge done. I would
2 really appreciate everybody's help on the jury
3 charge. Not on the 1001 so much, but on the 2339B
4 charge.

5 And let me see if there's anything else.
6 I don't have anything else.

7 What else do you have, Ms. Martin?

8 MS. MARTIN: Yes, Your Honor.

9 May I approach?

10 THE COURT: Yes.

11 MS. MARTIN: One thing I should have
12 mentioned earlier but I just wanted to make the
13 Court aware, we do have one Italian witness. So we
14 will have a live interpreter that we will provide
15 and that is certified for the witness. And then we
16 would ask permission to exclude the case agent from
17 the Rule.

18 THE COURT: Yes, you may -- Mr.--

19 MR. WHALEN: That's normal, Your Honor.

20 THE COURT: Yes.

21 MS. MARTIN: And to call the case agent
22 twice for the presentation of evidence. There are
23 some things that we don't anticipate will be agreed
24 to that he will help lay the foundation.

25 THE COURT: That's fine.

1 MS. MARTIN: And then the final one, Your
2 Honor, is the government anticipates using a
3 PowerPoint for its opening statements. And in
4 telling the jury what the evidence will show, we
5 will show quotes from the defendant that we intend
6 to introduce at trial. And we wanted to raise that
7 for the Court at the pretrial hearing.

8 THE COURT: Say that one more time.

9 MS. MARTIN: The government intends to use
10 a PowerPoint for its opening statement.

11 THE COURT: Have you showed it to them?

12 MS. MARTIN: We haven't shown it to them
13 yet.

14 THE COURT: Show it to them and see if
15 they have any objections.

16 Mr. Whalen, anything?

17 MR. WHALEN: Not that I can think of, Your
18 Honor.

19 THE COURT: Let me just look back through
20 my notes. Yes -- let's see. I have a 404(b) notice
21 that the government -- we talked about all that.
22 But the second thing in the 404(b) notice is the
23 government sought to introduce Rahim's statements in
24 a 2007 customs interview unrelated to the case. He
25 had been jailed in the West Bank twice for fighting

1 and for being in a car wreck where a person on a
2 bike was killed. I think we have talked about this.
3 I want to make sure that is not coming in.

4 Ms. Martin, you know that's off limits.

5 MS. MARTIN: Yes, Your Honor.

6 THE COURT: Mr. Whalen, anything else?

7 MR. WHALEN: Just one thing that came to
8 mind. As it relates to the Government's Exhibits,
9 the ones that we don't agree to, if we have
10 objections to them, do you want us to handle it as
11 it comes up.

12 THE COURT: Yeah, to the extent you have
13 made your objections right up front, we will deal
14 with those Monday morning, you know, if you want to
15 object to those right there. Otherwise, if it's
16 just typical objections, we will deal with those at
17 the time. So I really would prefer, though, the
18 bigger objections, that we take care of those up
19 front, and I say, Well, okay, if they prove the
20 predicate, they can get it in or not.

21 MR. WHALEN: Okay.

22 THE COURT: So please have your case law
23 ready for your exhibits that you don't think -- that
24 you don't want the other side to get in and you want
25 to get in. All right?

1 MR. WHALEN: Okay.

2 THE COURT: All right. Anything else?

3 MR. WHALEN: No, Your Honor.

4 MS. MARTIN: Nothing from the government.

5 THE COURT: We will see you at nine on

6 Monday.

7 (Court in recess at 10:51 a.m.)

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C E R T I F I C A T E

I, Shawnie Archuleta, CCR/CRR, certify
that the foregoing is a transcript from the record
of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees
format comply with those prescribed by the Court and
the Judicial Conference of the United States.

This 21st day of March 2020.

s/Shawnie Archuleta
Shawnie Archuleta CCR No. 7533
Official Court Reporter
The Northern District of Texas
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